

December 4, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66 --  
**NOTICE OF EX PARTE PRESENTATION**

Dear Ms. Dortch:

Yesterday, Paul McCarthy, Chair of the Technical Rules Rewrite Group of the Wireless Communications Association International, Inc. ("WCA"), Harry Perlow, a member of that group, and the undersigned, counsel to WCA, met with Thomas P. Stanley, John Schauble, Genevieve Ross, Stephen Zak, Gregory Vadas, Henry Allen, William Huber, Mary Shultz, Ronald Netro, Melvin Del Rosario, and Erik Salovaara of the Wireless Telecommunications Bureau and with Charles Rush, a consultant to the Commission, regarding the *Notice of Proposed Rulemaking* ("NPRM") in the referenced proceeding.

The participants discussed at length the proposal advanced by WCA, the National ITFS Association ("NIA") and Catholic Television Network ("CTN") for transitioning from the current bandplan to that proposed by WCA, NIA and CTN. The substance of the positions expressed by WCA's representatives is reflected in the comments and reply comments submitted by WCA, NIA and CTN in response to the *NPRM*. WCA stressed that the transitions would not be as complex as it might appear, given the substantial degree of consolidation that has occurred within the MDS and ITFS arenas through secondary market lease and license transfer transactions. To illustrate that point, WCA provided a listing of all of the licensees that would be required to participate in the planning of a transition of the Richmond, VA market, a transition that was discussed in some detail in the reply comments filed by WCA, NIA and CTN. That listing was annotated to identify the system operator that owns or leases each of the stations in

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issue. A copy of that annotated listing is annexed.<sup>1</sup> WCA also provided a copy of an Engineering Statement prepared by Kessler & Gehman Associates, Inc. addressing the transition of the Denver, CO market, a copy of which is also annexed. Although not annotated to identify the system operator for each licensee, the parties discussed that virtually all of the licensees that would be participants in a Denver transition are either Sprint subsidiaries or lessors of capacity to Sprint. WCA reiterated its view that this high degree of regional consolidation will simplify the transition process and allow for transitions to occur more rapidly than under any of the alternatives before the Commission.

The participants in the meeting also discussed the industry's need for a bandplan and technical rules that will permit the deployment of both frequency division duplex ("FDD") and time division duplex ("TDD") technologies. It was emphasized that the overwhelming majority of second generation wireless broadband systems being deployed in the band today utilize TDD technology, and that any bandplan that did not reasonably accommodate TDD would present substantial problems. WCA also noted that wireless broadband services utilizing TDD technology were being deployed utilizing the MDS/ITFS bands in some rural areas even under the existing rules, but that the regulatory impediments to deployment of cellularized technologies were preventing their deployment in more populous areas (where more cells would be required). The participants discussed WCA's view that, should the Commission adopt the WCA-NIA-CTN proposals, rural areas will be among the first served, given the ease of transitions in such areas and the reduction in licensing costs that will come from geographic licensing.

Consistent with the positions it has taken in its prior filings, WCA stressed that the bandplan and technical rules it has proposed (particularly the dual spectral mask and the cochannel safe harbor) are essential to FDD/TDD co-existence in the band. In response to a question regarding the possibility of providing each licensee spectrum on either side of the Mid-Band Segment, WCA reiterated that such an approach would leave individual licensees with insufficient spectrum for TDD operations given today's guardband requirements. However, it was noted that while guardbands between TDD and FDD operations will be required given the limitations of current filter technology, the industry believes that the size of those guardbands will diminish over time as filter technology improves. Moreover, WCA stressed that within a given market, licensees are likely to act out of economic self-interest and agree to secondary market spectrum swaps to minimize the amount of spectrum that must be devoted to guardbands.

The discussion also touched upon a variety of other issues raised in the *NPRM*. WCA's remarks on such issues were consistent with the positions it has espoused in its comments and reply comments in response to the *NPRM*.

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<sup>1</sup> For purposes of the annotation, an "N" represents that NTELOS is the system operator, a "W" represents that WorldCom is currently the system operator, "WONC" represents that Wireless One of North Carolina is the system operator, and an "I" represents that the station is independent (*i.e.* not owned by or leased to one of the major system operators).

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Should you have any questions regarding this summary, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel to the Wireless Communications  
Association International, Inc.

Attachments

cc (via email): Thomas P. Stanley  
John Schauble  
Genevieve Ross  
Stephen Zak  
Gregory Vadas  
Henry Allen  
William Huber  
Mary Shultz  
Ronald Netro  
Melvin Del Rosario  
Erik Salovaara  
Charles Rush

# Licensee Details

## "Market A" Licensees

	Licensee	Channel group	Call Sign	City	State
N	AMELIA COUNTY PUBLIC SCHOOLS	B1-B4	WNC491	RICHMOND	VA
N	HANOVER COUNTY PUBLIC SCHOOLS	C1-C2	WNC638	HANOVER	VA
N	SCHOOL BOARD OF GOOCHLAND COUN	C3-C4	WNC648	RICHMOND	VA
N	CENTRAL VIRGINIA EDUCATIONAL T	D1-D2	WHG238	RICHMOND	VA
N	ST. CHRIS' SCHOOL/DIOCESE OF V	D3-D4	WNC489	RICHMOND	VA
N	CENTRAL VIRGINIA EDUCATIONAL T	E1-E2	WHG238	RICHMOND	VA
N	GRAND MMDS ALLIANCE RICHMOND E	E1-E4	WHT735	RICHMOND	VA
N	VIDEO/MULTIPOINT, INC.	F1-F4	WHT736	MIDLOTHIAN	VA
N	ST CHRIST' CHURCH SCHOOL DIOCE	G1-G2	WNC486	RICHMOND	VA
N	CENTRAL VA ED'L TELECOM CORP	G3-G4	WNC686	RICHMOND	VA
N	GEORGE KERN	H1	WNTJ713	RICHMOND	VA
N	BLAKE TWEDT	H3	WNTJ739	RICHMOND	VA

## "Market B" Licensees

	Licensee	Channel group	Call Sign	City	State
H	HISPANIC INFO. & TELECO. NETWO	D1-D2	19951016BO	RICHMOND	VA
H	RICHMOND PUBLIC SCHOOLS	A1-A4	WGZ515	RICHMOND	VA
H	HAMPTON ROAD ED'L TELECOM ASSO	G1-G2	WHF243	KING WILLIAM	VA
Win	GLOBAL INFORMATION TECHNOLOGIE	H3	KNSC580	SPOTSYLVANIA	VA
I	HAMPTON ROAD ED'L TELECOM ASSO	A1-A2	WHF233	WEST POINT	VA
N	CHARLOTTESVILLE PUBLIC SCHOOLS	A1-A4	WLX523	CHARLOTTESVILLE	VA
N	CTY SCHOOL BD OF ALBEMARLE CTY	B1-B4	WLX519	CHARLOTTESVILLE	VA
N	FLUVANNA COUNTY SCHOOL BOARD	C1-C4	WLX518	CHARLOTTESVILLE	VA
N	THE MILLER SCHOOL OF ALBEMARLE	D1-D4	WLX524	CHARLOTTESVILLE	VA
N	CHARLOTTESVILLE QUALITY CABLE	E1-E4	WMH388	CHARLOTTESVILLE	VA
N	DESERT COMMUNICATIONS, INC.	F1-F4	WLW840	CHARLOTTESVILLE	VA
N	BLUE RIDGE SCHOOL	G1-G4	WLX517	CHARLOTTESVILLE	VA
N	R. STANLEY ALLEN	H1-H3	WNTH948	CHARLOTTESVILLE	VA
I	HAMPTON RD ED'L TELECOM ASSOC(	A3-A4	WGZ628	WILLIAMSBURG	VA
WON	EVANCE-GRANVILLE COMMUNITY COLL	A1-A4	WND303	GASTON	NC
WON	NASH COMMUNITY COLLEGE	B1-B4	WND304	GASTON	NC
↓	EDGEcombe COMM COLLEGE	C1-C4	WND305	GASTON	NC
	UNIV OF NORTH CAROLINA GENERAL	D1-D4	WND307	GASTON	NC
↓	ROANOKE RAPIDS GRADED SCHOOL D	G1-G4	WND306	GASTON	NC

## "Market C" Licensees

	Licensee	Channel group	Call Sign	City	State
<i>License Expired</i>	CENTER FOR EXCELLENCE, INC.	G1-G2	WHG413	FRANKLIN	VA
<i>WONC</i>	NATIONAL MICROVISION SYSTEMS,	E1-E4	WMH756	ROANOKE RAPIDS	NC
<i>WONC</i>	NATIONAL MICROVISION SYSTEMS,	F1-F4	WMH764	ROANOKE RAPIDS	NC
<i>W</i>	HAMPTON ROADS ED'L TELECOM ASS	A1-A2	WHF350	NEWPORT NEWS	VA
<i>W</i>	HAMPTON ROADS ED'L TELECOM ASS	A1	WHG411	MATHEWS	VA
<i>W</i>	HAMPTON ROADS ED'L TELECOM ASS	A1-A4	WHR737	HAMPTON	VA
<i>W</i>	BLAKE TWEDT	H3	WNTH887	LYNCHBURG	VA
<i>W</i>	CENTRAL VIRGINIA EDUCATIONAL T	D1-D2	WHR972	INDEPENDENT HILL	VA
<i>W</i>	SWEET BRIAR INSTITUTE/COLLEGE	C1-C4	WNC586	LYNCHBURG	VA
<i>W</i>	VIRGINIA SCHOOL OF THE ARTS	B1-B4	19931230HC	LYNCHBURG	VA
<i>W</i>	DESMOND T. DOSS SCHOOL	D1-D4	WNC585	LYNCHBURG	VA
<i>W</i>	LYNCHBURG CITY SCHOOL	G1-G4	19950531DR	LYNCHBURG	VA
<i>W</i>	IVAN C. NACHMAN	H1	WNTU756	LYNCHBURG	VA
<i>W</i>	JOHN DUDECK	H2	WNTH817	LYNCHBURG	VA
<i>License Expired</i>	LIBERTY UNIVERSITY, INC.	A1-A4	WHR507	LYNCHBURG	VA
<i>W</i>	HAMPTON ROADS ED'L TELECOM ASS	B3-B4	WLX256	DRIVER	VA
<i>W</i>	HAMPTON ROADS EDUCATIONAL TELE	C1-C4	WLX255	DRIVER	VA
<i>W</i>	JODY BARNES	E1-E4	WHT729	DRIVER	VA
<i>W</i>	EAST-WEST COMMUNICATIONS, INC.	F1-F4	WHT730	DRIVER	VA
<i>W</i>	HAMPTON ROADS ED'L TELCOM ASSO	G1-G4	WHR940	FRANKLIN	VA
<i>W</i>	ATLANTIC MICROSYSTEMS, INC.	H1	WNTB576	DRIVER	VA
<i>W</i>	LIBMOT COMMUNICATIONS PARTNERS	H2	WNTB962	DRIVER	VA
<i>W</i>	COTOPAXI COMMUNICATIONS CORPOR	H3	WNTB262	DRIVER	VA
<i>W</i>	BRIDGEWATER COLLEGE	G1,G4	WNC654	HARRISONBURG	VA
<i>W</i>	FISHBURNE MILITARY SCHOOL	A1,A4	WNC649	HARRISONBURG	VA
<i>W</i>	WAYNESBORO CITY SCHOOLS	B1,B4	WNC650	HARRISONBURG	VA
<i>W</i>	AUGUSTA COUNTY SCHOOLS	C1,C4	WNC651	HARRISONBURG	VA
<i>W</i>	STUART HALL INC	D1,D4	WNC652	HARRISONBURG	VA
<i>W</i>	CFW LICENSES, INC.	E1,E4	WMX331	BRIDGEWATER	VA
<i>W</i>	CFW LICENSES, INC.	F1,F4	WMX327	BRIDGEWATER	VA
<i>W</i>	WIRELESS PROPERTIES OF VIRGINI	H1,H1	WMX366	BRIDGEWATER	VA
<i>W</i>	UNIVERSITY OF MARYLAND COLLEGE	C1,C4	WLX829	WALDORF	MD
<i>W</i>	HISPANIC INFO & TELEC NETWORK,	B1-B2	WNC681	NORFOLK	VA
<i>W</i>	NETWORK FOR INSTRUCTIONAL TV,	D1-D4	WHR526	DRIVER (NORFOLK)	VA
<i>W</i>	HAMPTON ROAD ED'L TELECOM ASSO	A3-A4	WHR941	VIRGINIA BEACH	VA
<i>W</i>	HAMPTON RD ED'L TELECOM ASSOC	D1	WHR993	TANGIER JAMES	VA
<i>W</i>	HAMPTON RD ED'L TELECOM ASSOC(	G1-G4	WHG412	CROSSROADS	VA
<i>W</i>	HAMPTON RD ED'L TELECOM ASSOC(	B1-B4	WHN710	ONANCOCK	VA
<i>App Discontinued</i>	SHEKINAH NETWORK	G1-G4	19951019BJ	MIDWAY	NC
<i>WONC</i>	JRZ ASSOCIATES	H3	WNTF647	GREENVILLE	NC
<i>WONC</i>	BAYPOINT TV, INC.	F1-F4	WMI838	GREENVILLE	NC
<i>WONC</i>	THE UNIV OF N.C. GENERAL ADMIN	A1-A4	WHR596	GREENVILLE	NC
<i>WONC</i>	EAST CAROLINA UNIVERSITY	B1-B4	WND299	GREENVILLE	NC
<i>WONC</i>	WAYNE COMM COLLEGE	C1-C4	WND300	GREENVILLE	NC
<i>WONC</i>	PITT COMM COLLEGE	D1-D4	WND302	GREENVILLE	NC
<i>WONC</i>	WILSON TECH COMM COLLEGE	G1-G4	WND301	GREENVILLE	NC

## ENGINEERING STATEMENT OF ROBERT GEHMAN, JR., P.E.

The purpose of this engineering statement is to offer an analysis of the market transition for Denver, Colorado. The licensees in the Denver market are as follows:

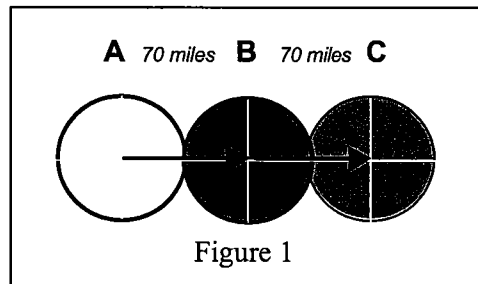
- A – University of Colorado/ WHA72
- B – University of Colorado/ WHA72
- C1-3 – Front Range Educational Media Corp./ WHR521
- C4 – North American Catholic Educational Programming Foundation/ WLX526
- D – Denver Area Educational Telecommunications Consortium, Inc./ WHR488
- E – American Telecasting of Denver, Inc. / WLK321
- F – *Not collocated*
- G – School District of Denver & State of Colorado/ WHR780
- H1 – American Telecasting of Denver, Inc./ WNTH953
- H2 – American Telecasting of Denver, Inc./ WNTH998
- H3 – American Telecasting of Denver, Inc./ WNEY681

The following is an excerpt from “Identifying the Parties to the Process” included in Appendix B of the White Paper.

*“A licensee contemplating a modification or addition... must first institute a transition process in which the following nearby licensees (even those that are not cochannel or first adjacent channel) are required participants*

- a) Every licensee that has not previously been transitioned and that has a TIA that overlaps the GSA in which the contemplated base station will be located; and*
- b) every non-transitioned licensee with a TIA to which any of the contemplated facility’s transmission antennas will have an unobstructed transmission path calculated assuming receive antenna heights of 9.1 meters above ground level and employing a smooth earth with 4/3 earth curvature propagation model; and*
- c) every non-transitioned licensee with a GSA that overlaps the GSA of a license being transitioned pursuant to a) or b).”*

A Proponent Market PSA is shown in Figure 1 as a circle with a 35-mile radius labeled “A”, representing a licensee contemplating a modification or addition as described above. Assuming that at least one channel in the Proponent Market has no PSA overlap with a nearby cochannel station, the “A” circle becomes the GSA for that channel<sup>1</sup>. As described in a) above, if the “A” circle GSA overlaps the TIA of a nearby station on a different channel, that station, shown in Figure 1 as a circle with a full 35-mile radius labeled “B”, as well as all stations in that market, must be transitioned to the new bandplan. Then, following the instructions in c) above,



<sup>1</sup> For simplicity, this methodology also assumes that none of the contemplated facilities would have line-of-sight into any TIA.

if the "B" circle GSA overlaps the GSA of another nearby non-transitioned station, that station, shown in Figure 1 as a circle with a 35-mile radius labeled "C", as well as all stations in that market, must be transitioned to the new bandplan. This ends the process required to identify all necessary parties to the transition under the Coalition Proposal because all stations have been identified that fall under either a) or c). Based on these worst-case assumptions, only stations within 140 miles of the Proponent site are required participants in the transition plan.

I conducted an analysis of the necessary parties to a transition for the Denver, CO market following Appendix B of the White Paper described above. A map showing the stations required to participate in the Denver transition is attached as Figure 2. In this example I have identified stations that are necessary parties to the transition planning process, but they will not necessarily be transitioned by the Proponent. Particularly the third tier stations labeled "C" may cause little interference to the "A" or "B" stations or suffer so little interference from those stations upon transition that the licensees of the "C" stations forgo mandatory transition.

This engineering statement was prepared by or under the direct supervision of Robert Gehman, Jr., who states under penalty of perjury that he is a professional engineer registered in the states of Florida, Maryland and Mississippi, he is president of Kessler and Gehman Associates, Inc., and the information contained in this statement is true and correct to the best of his knowledge and belief.

KESSLER AND GEHMAN ASSOCIATES, INC.



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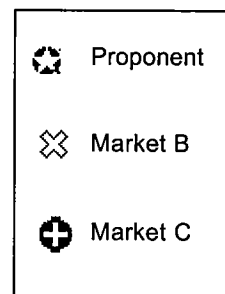
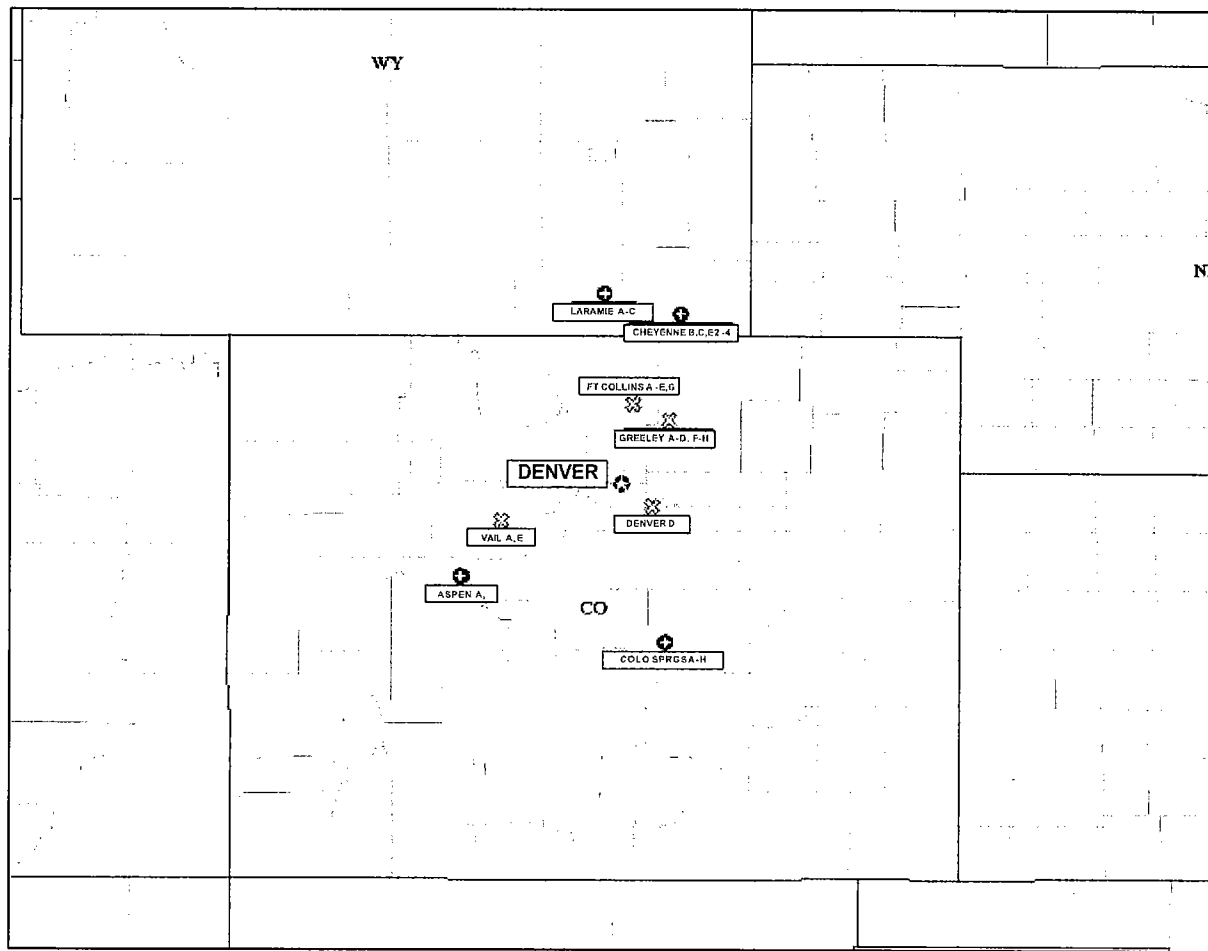


Figure 2 – Denver Transition Plan



**MARKET B STATIONS  
IN THE  
DENVER TRANSITION PLAN**

**DENVER, CO SITE: N 39-54-48/ W 105-17-32**

<b>MARKET B STATIONS</b>	<b>DISTANCE FROM DENVER (Miles)</b>
<b><u>DENVER, CO</u></b>	19.8
D – Denver Area Ed'l Tele Consort/ WHR781	
<b><u>GREELEY, CO</u></b>	40.3
A – Weld County School District/ WNC607	
B – Weld County School District/ WNC465	
C – University of Colorado/ WNC610	
D – Aims Junior College District/ WNC609	
F – Debra Chavez/ WMH425	
G – Weld County School District/ WNC608	
H1 – American Telecasting of Ft Collins/ 20000818DBC	
H2 – American Telecasting of Ft Collins/ 20000818DBD	
H3 – American Telecasting of Ft Collins/ 20000818CYG	
<b><u>FORT COLLINS, CO</u></b>	40.5
A – Front Range Community College/ WNC519	
B – Poudre School District R-1/ WNC518	
C – Weld County School District RE-4/ WNC611	
D – Thompson School District/ WNC613	
E – American Telecasting of Ft Collins / WLW976	
G – Bd of Gov.'s of the CO. State Univ. Sys./ WNC612	
<b><u>VAIL, CO</u></b>	64.1
E – Patrick/Hybl Comm.'s A Partnership/ WLW971	
<b><u>VAIL, CO</u></b>	64.2
A – Shekinah Network/ WND352	

# **MARKET C STATIONS IN THE DENVER TRANSITION PLAN**

**DENVER SITE: N 39-54-48/ W 105-17-32**

<b>MARKET C STATIONS</b>	<b>DISTANCE FROM DENVER (Miles)</b>
<b><u>COLORADO SPRINGS, CO</u></b>	83.8
A – Pikes Peak Community College/ WLX245	
B – N. American Catholic Ed'l Pgm Fnd/ WLX314	
C – Elicott School District #22/ WNC840	
D – University of Colorado/ WHR694	
E – Thomas Glab/ WHT756	
F – American Telecasting, Inc./ WHT758	
G – Hispanic Information TV Network/ WLX361	
H1 – ATI of Col Springs / WNTA854	
H2 – ATI of Col Springs/ WNTG791	
H3 – ATI of Col Springs/ WNTG790	
<b><u>CHEYENNE, WY</u></b>	91.1
B – University of Wyoming – Cheyenne/ WND249 C – Laramie County School District/ WNC997	
E2-4 – Nucentrix Spectrum Resources/	
<b><u>ASPEN, CO</u></b>	94.7
A – Shekinah Network/ WND368	
<b><u>LARAMIE, WY</u></b>	96.8
A – Northern Arizona Univ. Foundation/ WND325	
B – University of Wyoming – Laramie/ WND248	
C – Albany County School District/ WNC996	